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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,584	06/01/2001	Frank W. Sudia	P 264493 AUTH-II	9326
909 7590 11/14/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
DADA, BEEMNET W				
ART UNIT		PAPER NUMBER		
2435				
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11/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,584

Applicant(s)

SUDIA ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18-21, 72-84 and 109-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 18-21, 72-78 and 116-131 is/are allowed.
- 6) ☒ Claim(s) 79, 82-84 and 112-114 is/are rejected.
- 7) ☒ Claim(s) 80, 81, 109-111 and 115 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in reply to an amendment filed on 07/24/2008. Claims 1, 19-21, 72-84 and 109-131 are pending.

Response to Arguments

Applicant's arguments, filed on June 24, 2008, with respect to the 35 USC 102(b) rejection have been fully considered and are persuasive. The rejection of Claims 1, 19-21, 72-84 and 109-131 under 35 USC 102(b) has been withdrawn in view of applicant's arguments that the prior art used (Sudia, EP0771499B1) has the same priority date as the present invention which is July 19, 1994. Claims 1, 18-21, 72-78 and 116-131 are allowed and claims 80, 81, 109-111 and 115 are objected as indicated below. Furthermore, Claims 79, 82-84, 112-114 have been rejected with a new ground of rejection as indicated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 79, 82-84, 112-114 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer US 5,214,702.

As per claim 79, Fischer teaches a method of enforcing a security policy in a cryptographic system, said policy including controlling use of a public key, said method comprising:

providing a recipient with a message containing rules of said system and with a secure device containing an inactive form of said public key, wherein said public key cannot be obtained from said device [column 12, lines 53-60 and column 14, lines 26-39]; and

in response to said recipient digitally signing said message, activating said public key in said secure device [column 18, lines 46-64, column 19, line 67-column 20, line 67].

As per claim 82, Fischer further teaches the method wherein said rules include a rule to pay for use by said recipient of intellectual property provided through the system [column 19, line 67-column 20, line 67].

As per claim 83, Fischer further teaches the method wherein a user transaction by said recipient in the system is invalid until said digital signing is performed [column 19, line 67-column 20, line 67].

As per claim 84, Fischer further teaches the method further comprising in response to said signing by said recipient, a certifying authority accepting a transaction from said recipient, said transaction based on a user transaction of said recipient in the system [column 19, line 67-column 20, line 67].

As per claim 112, Fischer further teaches the method wherein the public key is certified by an authority [column 19, line 67-column 20, line 67].

As per claim 113, Fischer further teaches the method further comprising: a certifying authority accepting a transaction from the recipient, the transaction based on a transaction of

the recipient in the cryptographic system, after demonstration by the recipient of an agreement or consistency with one or more of the rules [column 19, line 67-column 20, line 67].

As per claim 114, Fischer further teaches the method wherein the rules comprise a rule regarding maintaining secrecy of the public key [column 19, line 67-column 20, line 67].

Allowable Subject Matter

Claim 1, 18-21, 72-78 and 116-131 are allowed.

Claims 80, 81, 109-111 and 115 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/

Examiner, Art Unit 2435

November 08, 2008